

A FAIR
 REPRESENTATION
 OF THE
 CASE
 BETWEEN

The *Principal* of *M. Hall*

AND

Mr. *E-----s* late *Manciple* thereof;

WITH

A few Observations on some extraordinary Pieces
 lately published and dispersed in *Oxford*;

SUBMITTED

To Persons of Sense and Seriousness.

Si satis jam debacchatus es—audi si vis nunc jam,

Ter. Adelph.

*Uter hoc quod non tam ad Laudem adipiscendam,
 Quam ad vitandam Vituperationem valet.*

CICERO.

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REPORT
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The *Principal* of *M. Hall* and Mr. *E*—
late *Manciple* thereof, &c.

IT would be somewhat difficult to point out Subjects of more trifling Purport in Themselves, or less worthy the Attention of the Publick, than the several Matters offered in a Series of Half-penny Libels, lately published and dispersed in these Seats of Learning, by a low and unequal Imitator of the ingenious and *exalted Literati* of *Grub-street*, who calls himself *Mr. E*.

Now to follow this *penetrating*, this *diving* Genius into the Sink of his Futility and Nonsense, is a Province, in which, with great Reluctance, I engage, being well assured that the Labours of a *Scavenger* must be *Curæ Dulces* compared to *mine*. But as Reptiles, of the lowest Class, are sometimes furnished with a Degree of *Poison*, and as some of the Filth, so plentifully scattered by the Pen of this wrong-headed, wretched Writer, may happen so far to adhere as to create a sort of Uneasiness in

generous Minds, unacquainted with the Manners of the

—— ——— “ *Tusci Turba impia Vici,*”
and Strangers to the Flowers of Billingsgate Oratory, I find myself inclined to bestow on a dark and purulent Scribler the same Pains, which, for our own Sake, we sometimes bestow on a *dead Rat* behind our Wainscot; and to drag him into Day-Light, with no other Intent, than to remove an actual Nuisance arising from the *Stench*.

With this single Point in View I proceed (since Mr. E. has thought proper to submit a private Dispute to publick Judgment,) to give those Gentlemen a *clear, just, and distinct* Account of a Case, who have been lately perplexed with a *confused, unintelligible* and an *ungrammatical* one.

When Mr. D——n was nominated Principal of M——n Hall, he found Mr. E——s there in the Capacity of *Obsonator*, or *Manicle*; and (as he imagines) in Pursuance of an Appointment of the late Principal, acting in the said Hall as Vice-Principal. Mr. D——n had then no Reason to dispossess him of those Offices, and suffered him to proceed, as he had done before his Nomination to the Headship.

As *Manicle*, Mr. E——s received all Caution Money deposited by the respective Members of the Hall, to Him (and not to the



the Principal) all Debts for Commons, Battels, &c. at the End of each Quarter became due: He dealt with Tradesmen of his own Choice, and (as it is apprehended from the Aular Statutes) with those whom the Principal had no Power to refuse. As Manciple, He alone had the Power of receiving (as I observed before) all such Sums of Money as became at any Time due, and he paid, or at least ought to have paid all the Tradesmen with whom he dealt.

Had this been regularly done, the present Dispute had wanted a Being: But thro' the Manciple's Neglect, the Tradesmen were only paid in part; Clamours arose affecting the Credit and Weal of the Hall, and for Want of a true State of the Case, a false Judgment was formed, and Mr. D——n blamed for Mr. E——s's Deficiency.

It was Time for the Principal to endeavour to set this Matter in a just Light; he was sorry that the Tradesmen were not regularly paid by the Manciple who dealt with them, and, rather than suffer his Hall to sink in Character for the Manciple's Neglect, he sent for Mr. E——s to know why he had not discharged the Debts which he owed to his Tradesmen. He several Times represented to him the bad Effects of such Conduct; and admonished him frequently to get out of Debt as soon as possible.

But

But Mr. E——s's Plea was that several Members of the Hall were absent at that Time, who owed him Money for Battels and other Things, which he promised to apply to the Payment of his Tradesmen, as soon as he could get it from the Members indebted to him.

After many fair Promises, without Effect, the Principal desired to see his Accounts, and was willing to have assisted him in the Stating of them. But such a perplexed and unintelligible one was laid before him, that he found all his good Intentions, to rescue him from the daily Vexation of importunate Duns, fruitless and ineffectual. He had Reason to think that it was a *study'd* Perplexity; His Efforts to obtain a *clear* State, he found in vain, and after many *trifling* and *abusive* Letters from him, he removed him from the Office of Obsonator, and desired the Tradesmen to sue him accordingly.

Disgusted at his Fall Mr. E——s had Recourse to the Shiftings of an un-responsible Debtor, and, in a clandestine Manner, prevailed with the Tradesmen to defer their respective Actions against *his Person*, by giving them better Hopes of Payment, from a false Suggestion that the *Principal* was responsible for the *Manciple's* Debts.

The Hint was agreeable; They were glad to accept a Man for Payment whom they knew

knew to be *capable* of doing it, and, from whose general, honest Character in Life, They were convinced (if it was *his* Concern) that no one would be more willing and ready to do it. Sollicitations to Mr. D——n (upon this new invented Fiction) became frequent; He labour'd to convince them of their Error, and assured them that he should think himself as culpable to pay what he never owed, as That Man was, who did not pay what he really did owe them. The *routed* Manciple still artfully engaged their Attention; 'twas a *pleasing* Suggestion, and therefore not easily parted with; They were prone to believe what They wished might be true, and were prevailed with to reject all reasonable Argument, and resolutely to stand out against Conviction.

Menaces at last followed Importunity, and the Law was to determine what Argument could not incline them to.—To this Mr. D——n readily consented; was prepared to defend the Cause; no Action commenced, and hitherto he is innocent.

The Dispute between Mr. D——n and Mr. E——s relates only to the Payment of the Manciple's unpaid Tradesmen, during the latter Part of that Time wherein Mr. E——s was Manciple of M——n-Hall. And it may be remembered that he received all Caution Money to secure him in his Office; all Money
arising

arising from Battels of Bread, Beer and Meat; had the wonted Præmium of that Office; as large a Consideration as any Manciple before him, notwithstanding he has *roundly* asserted in Print, that he never received more than one Shilling in the Pound.

'Tis Pity this Creature has so fickle a Memory! He knows the Bakers paid him two Shillings and eight Pence in each Pound, besides a Salary belonging to that Office, which Persons before him thought worth their Acceptance, and indeed soliciting for. But I am afraid his Forgetfulness is of an Extensive Nature, and I apprehend that the unpaid Tradesmen will to their Sorrow be convinced, that he has kept the *Pound*, without paying the *Shilling*.

It may not be improper in this Place to make one Remark for Mr. *E——s's* own Sake, as well as in the Behalf of those Tradesmen, to whom he stands indebted.

Not long after the Principal had divested him of the Office of Manciple, Mr. *E——s*, at Mr. *D——n's* Request, waited on him at his House, and brought with him a Gentleman of *M—— Hall*, to hear and attest what should pass between them. The Principal likewise had a Friend with him for the same Purpose. After a short Conference Mr. *D——n* desired to know of Mr. *E——s* whether he had paid the Tradesmen, with whom he dealt?

dealt? His Answer was that he had paid some of them; that he expected some Members of the Hall in *Oxford* by *Ass-Wednesday*, or soon after, who owed him Money for Battles, &c. and that then he would discharge the Rest, or give a Bond to secure their Payment.

In this Point, had he in reality been nothing but Mr. *D—n*'s meer Shadow, or (as he desires to be thought) his Steward, he had made all Debts owing to these Tradesmen, *by this Assumpsit, His Own*; and why he fled from his Promise afterwards, is best known to himself; but what any Man may conjecture, who knows the wilful Obscurity thrown over his Accounts.

His own Letters to Mr. *D——n* (was it not cruel to perplex the Reader with any more of his Writings) would convince every Man that the Principal had nothing to do with the Money due for any of the above-recited Articles; and that the Caution Money of each Member was deposited in his Hands, as a Security to *Him* in the Capacity of Manciple.

This the Principal always acknowledged; and it was Mr. *E——s*'s Duty as well as his Interest (had he been a Vigilant *Vice Principal*, or a Prudent *Manciple*) not to have suffered any one to exceed his Caution, lest the Injury should affect himself; make him *deficient*, and in the End *incapable* of paying those Tradesmen with whom he dealt. The want

of this Circumspection, in all Probability, has been the sad Occasion of his present Distress. Prudence in this Particular had prevented his present Defect; no Tradesmen need have been unpaid; no Principal been unreasonably called upon to supply the Necessity of an *unaccountable* or an *embezzling* Manciple.

It is surprising how he could imagine that Mr. D——n should be responsible for all the bad Debts, which were due to Mr. E——s, as Manciple, from Gentlemen under his Tuition as Vice Principal; thro' whose *Negligence* they ran in Debt with him, and thro' whose *Indolence*, as well as *Consent*, they left the Hall in that Condition. Several of his Debtors were never known by the Principal; whose Debts (had they been paid) Mr. E——s would have received, and yet Mr. D——n is now expected to take the *Onus* of recovering them.——In short: Folly was the Foundation of the Loss, and now something worse is employed to effect a Recovery.

I had not taken Notice of the Debate between these two Gentlemen, had not Mr. E——s in a confused *Nothing*, lately dispersed about the University, blended Mr. D——n's Controversy and his *Own*, with Mr. Hopkins's just Demands upon *Him*. Pages of nothing but unintelligible Jargon; printed to perplex his Readers; to prevent a Cause from being known;

known; which can no sooner be known, but be condemned as infamous.

But I wish Obscurity was the only Blemish in this extraordinary Piece: Want of an amiable Quality (called Truth, or honest Dealing) will soon be discovered, as much as want of Grammar appears therein at present.

“ I will here give the Reader his Representation of *one* particular Fact, as a Foretaste, whereby he may conjecture with what Simplicity his Account of *other* Facts is delivered.”

In the fifth Page of his late dark Performance he tells us, *That in May, 1748, Mr. Principal sent one Mr. H——ns, one of the present Exhibitioners to Mr. E——s, (meaning himself) with a Request to him to receive this Person's Battles as due to M——n Hall, and for Mr. E——s to be accountable for them, when required, to the Proprietor of the said Hall. He says that the Principal added likewise, how Mr. E——s would oblige him by so doing.*

There follows an Account of Facts, which have their Existence only in the fertile Imagination of the late Manciple of M——n Hall.

The true State of this Affair is as follows: Mr. *H—p—ns* had an Account to settle with Mr. *E—s* the Manciple, and during the Difference between the Principal and the Obsonator, Mr. *H—p—ns* did apply, and probably was privately sent by Mr. *E—s* to try whether the Principal would undertake the Account. He was remanded however to the Manciple with some Expression like this, that he should *be glad* if he would settle the Account he had (as Manciple) with Mr. *H—p—ns*.

This did not answer his *honest* Expectations, and desired this Gentleman to go back to the Principal and get it under his Hand, that the Principal *would be greatly obliged to* Mr. *E—s* if he would finish Mr. *H—p—ns's* Account. To whom Mr. *D—n* presently reply'd, that it would no farther oblige him, (or Words to the like Effect) than as it would tend to the settling the Manciple's Accounts, be a Step towards his receiving what was due to him, and consequently hasten the Payment of his Tradesmen to whom he stood indebted.

Could a Jesuit of the most villanous Subtilty, have given a more base Turn to the earnest Wishes of an honest, good-natured Man; who was grieved that his Hall should be loaded with Disgrace by the Folly or — of an imprudent Officer; and who was
advising

advising him, at the same Time, how to extricate himself from those Difficulties, which his Carelessness (to say no worse of him) had run him into?

The Principal however would not comply with this designing Request: The subtle Efforts were all in vain: Notwithstanding which, Mr. E——s ballanced with Mr. H—p—ns; gave him a Receipt in full for all his Battles; — but only *Paper* instead of *Money* for Four Pounds seven Shillings and Six-pence, the Surplus due to Mr. H—p—ns on the Balance.

The Manciple's Finances, at this Crisis, happened to be somewhat disordered; the *Residuum*, due on a just Ballance of his Account with Mr. H—p—ns, he could not conveniently procure, and therefore gave all the Satisfaction, he was capable, to the *Demandant*, by a formal Acknowledgment *in Scriptis*, that the Sum of Four Pounds seven Shillings and Six-pence, due to Mr. H—p—ns remained still in his Hands.

Now this *Acknowledgment* having the legal Efficacy of an *Assumpsit* in Common Law, or of a written *Stipulation* by the Rules of the Civil Law, had Mr. E——s been (as he would have it thought) no other than a Servant to, or an Agent for the Principal, he would however, by this Procedure, have made himself

himself *Debtor* to Mr. *H—p—ns*, who brings his Action on this Acknowledgment.

It is obvious here to remark the Subtilty and unfair Dealing of this Creature in endeavouring to get the Principal into an Acknowledgment that Mr. *H—p—ns*'s Account was *His*, and not the Manciple's. And I doubt not but the Reader will condemn so base an Action, when he is assured that Mr. *E—* was the only Person, who in his *own Name* gave Mr. *Spateman* of *London* a Letter of Attorney empowering him to receive the Dividends of Dr. *Lucy*'s Benefaction for the Use of the Exhibitioners, as fast as they became due, and this in Pursuance of a Decree in Chancery, which directed such Dividends to be paid either to the Principal or to the Vice Principal, — How then is Mr. *D—n* concern'd in the Account with Mr. *H—p—ns* ?

I am surprized at his unparalleled Modesty to think of evading the Payment of this Gentleman's Demand, when he knows that he paid Mr. *S—th*, another Exhibitioner, what was due to him without any Trouble.

There is one Instance of his ungenerous Dealing and Jesuitical Evasion, which he has been ashamed to mention himself, and what, I apprehend, he is afraid the World should know. — I had not mentioned this Fact, had not he puffed himself in several Places for a
very

very *honest* Person, and in one particular one lamented a Report that a truly Honourable Gentleman had laid aside the good Opinion he had entertained of his Integrity.

If he is for printing upon Report, he may now divert his Pen upon a Fact, which Persons of Character are ready to attest. The Fact is as follows :

Mr. E——s made an Application to Miss C——tes to have the Perusal of a Book of Receipts, which belonged to her late Father. This Lady told him that she could not part with it out of her Sight to any one; but if he had Occasion for any particular Thing in it, she would oblige him with a faithful Copy of it. At this Mr. E——s was displeased, and wondered why he might not be trusted with the Perusal of it himself. Whether apprehensive of any evil Design in him, or careful of a Book of such Consequence, she persisted not to lend it out of her House: He then made several Protestations that, if she would suffer him to peruse it in her Sight, *He would not carry it out of her House.* His Request was granted; and see the Consequence. Either displeased at finding some ungrateful Truth in it, or to resent the Denial he had received at first, THIS WORTHY AND HONEST DIVINE took the Opportunity of throwing it out at the Window,

Window, in Confidence that it would have been destroyed in the River running under it.

But lo! his Expectation was marvellously balk'd; his *Pious* Intentions frustrated, and the designed Victim saved by a Hedge from perishing at that Time in a full River of Water.—Had Mr. E——s been thus saved, the Point had created no such Wonder: Every one, who reads it, must have Abhorrence enough of this Fact, to declare his *merited* Punishment without Hesitation.

I cannot but have a due Degree of Compassion for a Man so excessively Wrong-headed; so very warm an Enemy to himself, that his best Friends, by himself requested to inspect his Accounts, have felt the Bitterness of his Talents for Abuse, for having only offered Rational Methods of making those Accounts intelligible.—Possibly they may answer his Purposes better in the present State of Obscurity they are in! But Truth in the End must prevail, and the legal Result of *his* Obstinacy may cool his Imagination, and open his Eyes.

I cannot trespass so much on the Reader's Patience to follow this *poor* Writer, and correct his *Grammatical* as well as *Moral* Deficiencies Page by Page. If any Gentlemen have read thro' what he has published on this
Dispute,

Dispute, they have certainly paid him a very great Compliment, a much greater, I acknowledge, than I was able to do. There is one particular Paragraph however in Page 24, which I will spend a Line or two on, because it is levelled against the Power of the University Court to take Cognizance of some Actions, and contains quite a new Method of Argumentation, to be learnt no where but in *E——nd Hall*.

The Reader is desired to cast his Eye on the first Exception or Reason why Mr. *E——s's* Cause does not lie before the University Court; the whole Substance of which is contained in the following Syllogism, (*viz.*)

Maj. Prop. The Power of taking Cognizance and Ending all Causes (except of Mayheme, Felony, Treason and Freehold) belongs to the Jurisdiction of the University. (*vid Stat. Tit. 21. Sect. 1.*)

Min. Prop. The Cause instituted on the Part of *H—p—ns* against *E——s* is a Cause of *Account* (in no wise relative either to Mayheme, Felony, Treason or Freehold)

C

Therefore,

Therefore,

Conclusion. The Cause of *H—p—ns* against *E—s* does *not* belong to the Jurisdiction of the University.

Exquisite Logick truly! 'Tis Pity *Joseph* had not left out *Not*: The Argument had been a little more cogent and conclusive: But then he had only trod in the Obsolete Steps of old *Aristotle*, and not had the Honour of striking out a Novelty of Reasoning. What shining Lads must this Reader of Logick make in *E—nd Hall*! His two next Assertions (*viz.*) that *He was never cited*, and that *the Suit was not contested*: Are both void of every Degree of Truth: The first has been confirmed by the Mandatary's Oath, the other a Notary Publick can attest upon His.— But the Regularity of the Court Proceedings against him, I am informed, are ready for the Press, and will be submitted to the Publick very shortly.

I shall now take my Leave of him in as decent a Manner as he deserves, by observing only that we have been hurried by a *low* and *trifling* Writer; by a *frivolous*, an *impotent* Reasoner; by a *Wanderer*, a meer *Ignis Fatuus* in Logick, into a Scene of *Absurdities*; into a Labyrinth of *Nonsense*; into *Darkness* *visible*.

Behold

Behold the mighty, Magical Prowess of this Champion; this *Goliath* at Argumentation; this Boaster of his Skill “to reconcile Contradictions”; this Engager to Proof, in Mood and Figure, that *Black* is *White*, that *Vice* is *Virtue*; that *Ignorance* is *Knowledge*; that a *Stipulation in Scriptis* creates no Obligation in Law; that *Debtor* and *Creditor* are *univocal analogous* Terms, and (to crown his Capacities) that *Evasion*, *Delusion* and *Chicanery* are *Fair*, *Open* and *Honest* Dealing.

Is it not astonishing that such a *lame Logician*, so very *diminutive* a Divine should be so vehemently possessed by a Persuasion of his own *Significancy*, as to take it into his Head to grasp at the Province of a Moderator between controversial Writers in Divinity?

Yet alas! We have known the Time when a Scene of Importance (in which two masterly Theological Pens were engaged) was interrupted by the Intrusion of this *Mock Reasoner*, this *Sham Theologist*, this *Casuistical Pantomime*; who brandished his wooden Falchion to cut the Gordian Knot, and put an End to the Dispute *uno Ictu*: And latterly we have found him aiming at a Flight thro’ another Hoop, and with equal Energy, equal Modesty, and equal Success, exerting his boasted Strength, his imaginary Talents for *Law*, and publicly scattering the *Froth* of a *Turbulent*

and confused Imagination in the Form of
Mandates to supersede the established Rules
 of Practice in Courts of Justice.

Now without the least Intention to awake
 this Dreamer of Golden Dreams into a Sense
 of his *Nothingness*, I would venture to whisper
 to him in his Sleep, that the fundamental
 Precepts of that Science, of which he is late-
 ly became so great a Master are in Number
 only Three (*viz.*) *Honestè vivere; Alterum
 non ledere, Suum Cuique tribuere*: Which for
 his especial Personal Satisfaction I thus com-
 municate to him in his Mother-Tongue (*viz.*)
 Be an honest Man, Write no more Libels,
 and Pay your just Debts.

POSTSCRIPT.



P O S T S C R I P T.

SO very powerful, it seems, is the *Scribendi Puritus* in this inimitable Pea-Man, this *Achilles* at an Argument, who calls himself Mr. E; so impetuous is his Passion for the Preservation and Propagation of his darling *Nonsense*, that he has just now turned out into the World a chopping Twelve-penny Brat; every Feature of which points out its Parent, and to the Formation of which he has collected the scattered Fragments, the *Panni purpurei*, the shining Scraps of *Law*, *Logick*, and *Oratory*, already dribbled by Piece-Meal into Day-Light, under the same delicate Direction: And this *Opus Absolutum* (on Subjects highly important and interesting, (viz.) on the ordinary Proceedings in two common Actions of Debt, to the amount of One Pound twelve Shillings and five Pence Half-penny, and of Four Pounds seven Shillings and Six-pence,) is ushered into the World by a pompous Preface in *Italicks*; in which we have a more lively

Portrait

Portrait of the ingenious Author, than could have been sketch'd out by the Pencil of the great *Hogarth* himself.

Now Reader, (whoever you are) as I have not a Grain of Ill-will towards you, I will not offend by leading you into any Part of this wretched Scene of *Darkness*, this Dungeon of *Dulness*, this rude, this filthy Heap of *Absurdities* and *Obloquy*; these elaborate, these perplexing, reiterated Animadversions on *Nothing*; in which, (as the *Writer* had manifestly no sort *Meaning* or *Intention* whatever) you are not to seek for any Degree of *Satisfaction*.

The *Style*, the *Diction*, the *Sentiments*, the *Tropes* and the *Flowers* of this marvellous Production are truly *EDWARDIAN*.
—Let that suffice.—And to conclude,

As this *low*, this *impotent* but *scurrilous* Scribler has been so superlatively *Wrong-Headed* as to desire, to require, to demand a legal Prosecution for his infamous *Libels* *; in Complaisance to Him I can assure him that his Desire will soon take

* See his Preface, Pages 7, 8.

Place. In the mean Time I would advise him, in his next *Hot-Fit*, to exercise his masterly Talents for *Law* and *Logick* in softening the Cogency, and explaining away the *Reason* and *Intent* of two positive and wholesome Laws in this Community; I mean the Statutes, *De Libellis famosis cobibendis*, ——— and *De Contumeliis compescendis*.

F I N I S.

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Place. In the mean Time I would advise him, in his next Vol-1, to exercise his masterly Talents for Law and Logic in fortifying the Cogeneity, and explaining away the Reason and Intent of two positive and wholesome Laws in this Community; I mean the Statute, De Libellis Jurgis collatum, — and De Contumacia respondentis.



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